

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LULAC, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Case No.: 3:21-CV-00259-DCG-JES-JVB
[Lead Case]

ROY CHARLES BROOKS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Case No. 1-21-CV-00991-DCG-JES-JVB
[Consolidated Case]

PLAINTIFFS' COUNTER DEPOSITION DESIGNATIONS & OBJECTIONS

Plaintiffs hereby jointly submit the following counter designations of and objections to the deposition testimony designated by Defendants pursuant to Federal Rule of Civil Procedure 26(a)(3), and in accordance with the Court's Pretrial Scheduling Order (Dkt. 880) and Order Extending Scheduling Order Deadlines (Dkt. 923). Plaintiffs reserve the right to amend and supplement these deposition designations as appropriate.

Plaintiffs wholesale object to the designation of deposition testimony of witnesses that were either called live before the Court or had their depositions read into the record during the Preliminary Injunction hearing that took place January 25, 2022, to January 28, 2022. These witnesses include Senator Beverly Powell, Senator Kel Seliger, Rick Svatora, and Roy Charles

Brooks. These witnesses' live testimony during the Preliminary Injunction hearing is currently in the record, were subjected to cross examination, and their testimony is in the primary form of evidence. Moreover, these witnesses were available and as such Federal Rule of Civil Procedure 23(4) is not invoked to allow the use of the deposition testimony here.

Plaintiffs incorporate by reference all testimony, both live testimony and testimony made via trial depositions, offered at the Preliminary Injunction hearing that took place from January 25, 2022, to January 28, 2022, and offer that testimony as support in addition to the identified designations.

Plaintiffs reserve the right to (1) rely on any deposition designations identified herein, regardless of the noticing party or parties in attendance at the deposition; (2) rely on any testimony designated by Defendants affirmatively or in response to Plaintiffs' deposition designations; (3) identify additional deposition testimony as impeachment or rebuttal evidence, as permitted by the Court; (4) call a witness by deposition testimony in any order; and (5) not call one or more witnesses identified in these designations.

I. Plaintiffs' Counter Designations

Notwithstanding Plaintiffs' objections, Plaintiffs offer the following counter designations:

Witness Name and Deposition Date	Page & Line
Mark Bell July 7, 2022	58:16–21; 58:22–59:5; 60:2–7; 167:13–24
Sen. Brian Birdwell August 18, 2022	59:12–59:13; 59:15–17; 59:19–60:1; 60:3–60:5; 60:9–16; 60:19–23; 61:1–2; 61:4–8; 61:12–14; 61:16–24; 62:3
U.S. Rep. Kevin Brady September 6, 2022	50:17–51:12; 82:14–83:9; 119:19–120:10

Witness Name and Deposition Date	Page & Line
Roy Charles Brooks January 20, 2022	7:11–13; 7:23–8:3; 8:12–17; 9:3–12; 9:18–11:15; 24:13–16; 29:11–22; 32:12–33:18; 56:20–57:1; 61:21–62:2; 63:7–11; 63:16–21; 69:13–18; 70:7–71:12; 72:7–12; 72:19–73:3; 73:10–74:11; 75:15–76:1; 80:8–11; 85:13–22
Rep. Brad Buckley July 18, 2022	25:8–25; 47:24–48:15; 47:24–48:15
Sharon Carter July 29, 2022	36:15–37:9; 37:14–38:2; 38:21–39:5; 39:18–40:11; 67:2–68:12
Colleen Garcia June 28, 2022	141:9–21; 194:15–18
Rep. Ryan Guillen June 29, 2022	48:19–49:4; 50:3–6; 50:25–51:15; 53:12–54:13; 54:17–20; 59:6–14; 68:8–12; 141:23–142:5
Sen. Kelly Hancock June 23, 2022	17:23; 28:11–16; 28:18–19; 36:10–25; 37:1–15; 37:17–18; 37:20–25; 38:1–39:7; 40:5–19; 40:21–22; 40:24–41:2; 46:19–21; 62:11–12; 62:20–25; 63:1–2; 65:15–17; 77:4–11; 85:19–22; 93:17–94:3; 104:25; 105:1–6; 150:24–151:6; 133:1–2; 133:21–134:2; 148:3–10; 148:22–149:5; 168:22; 174:13–175:17
Rep. Abel Herrero June 15, 2022	159:22–159:25; 160:1–161:12; 163:1–164:22
Rep. Todd Hunter July 15, 2022	82:4–83:7
US Rep. Sheila Jackson Lee August 2, 2022	14:6–15:8; 16:14–25; 37:21–39:1; 42:4–22; 74:4–75:3; 88:13–90:15; 113:7–115:15; 123:20–124:11; 126:7–10; 136:6–11; 164:9–15; 169:13–23; 170:22–171:24; 175:5–12; 184:10–14; 187:7–11; 218:19–25
Jacey Jetton July 13, 2022	154:2–11; 204:1–8
Adam Kincaid November 2, 2023	136:22–137:17
Rep. John Lujan June 23, 2022	38:12–16; 40:7–15; 55:15–56:5; 58:14–18; 60:8–14; 62:5–12; 63:6–18; 70:3–71:3; 74:16–19; 75:18–76:2; 79:13–16; 90:9–13; 94:12–14; 101:23–102:19; 111:16–112:13; 146:21–147:4; 150:25–151:6
Rep. Trey Martinez-Fischer July 1, 2022	19:11–19:25; 53:25–55:20; 57:17–59:8; 60:17–62:2; 68:17–71:17; 73:12–74:15; 80:1–80:15; 83:12–83:25; 96:8–97:11; 105:9–110:13; 115:1–117:10; 125:11–125:25; 126:22–128:3; 178:24–179:16; 186:7–187:13; 207:10–209:2; 220:12–221:6
Rep. Terry Meza July 22, 2022	37:12–38:4; 136:23–138:16; 140:20–146:24; 147:3–155:10
Rep. Andrew Murr June 22, 2022	69:19–70:16; 126:3–15; 135:22–136:10; 139:1–4

Witness Name and Deposition Date	Page & Line
Sen. Beverly Powell January 19, 2022	9:15–9:24; 24:20–24:24; 34:4–34:10; 40:14–40:21; 54:9–56:25; 76:1–78:12; 80:9–80:15; 82:20–86:12; 89:20–90:2; 104:9–104:16; 108:1–108:16; 111:14–111:20; 123:5–123:17
Sen. Kel Seliger January 19, 2022	8:8–20; 11:4–12:8; 13:2–13:12; 14:5–19:6; 21:2–24:19; 24:22–38:4; 38:8–38:14; 38:22–40:12; 45:18–45:20; 46:1–47:9; 49:1–54:7; 54:13–57:20; 58:2–58:16; 58:25–65:21; 68:21–60:21; 71:13–73:18
Rick Svatora January 22, 2022	4:8–12; 6:13–21:22; 22:1–40:4
Rep. Senfronia Thompson July 7, 2022	25:21–25:24; 48:18–50:17; 60:5–69:8; 75:5–76:6; 76:18–78:6; 85:17–85:19
Rep. Gene Wu September 6, 2022	47:04–49:12; 51:13–52:25; 58:3–58:23; 69:3–70:12; 84:21–85:21; 87:07–88:16; 101:17–102:21; 117:10–118:23; 119:7–119:14; 120:21–123:8; 143:21–145:14

II. Plaintiffs' Objections to Defendants' Affirmative Deposition Designations

In addition to the foregoing objections, Plaintiffs also lodge the following objections to the identified deposition testimony:

Witness Name and Deposition Date	Page & Line	Objection
Mark Bell July 7, 2022	32:24–25	Incomplete designation
	168:7–25	Lacks foundation; vague; misleading
	173:1–12	Calls for speculation; lacks foundation
	174:5–25	Calls for speculation; lacks foundation
Sen. Brian Birdwell August 18, 2022	26:23–24	Incomplete designation (missing question)
Rep. Ryan Guillen June 29, 2022	195:7–11	Incomplete designation (missing part of question); subject to legislative privilege objection
Sen. Kelly Hancock June 23, 2022	17:20–22	Incomplete designation (missing part of answer)
	28:1–10	Incomplete designation (missing answer to last designated question)
	39:9–25; 40:1–3	Incomplete designation (missing question)
	132:2–25; 133:3–19	Incomplete designation (missing part of answer)

	168:11–21	Incomplete designation (missing part of answer)
US Rep. Sheila Jackson Lee August 2, 2022	136:6–21	Incomplete designation
	157:1; 157:16–25; 158:1–22	Incomplete designation; misleading; hearsay; lacks foundation
	159:5–11	Hearsay; calls for speculation
	160:6– 161:18	Hearsay; authenticity; calls for speculation
	163:4– 164:12	Hearsay; calls for speculation
	165:1–25	Hearsay; calls for speculation
	166:1–14	Hearsay; calls for speculation
	172:15– 173:9	Calls for speculation
	176:1–22; 176:25	Incomplete designation
	184:15–24	Calls for speculation
	186:1–16	Incomplete designation (incomplete answer)
	215:5–12	Incomplete designation
	218:5–18	Incomplete designation; misleading
Rep. JM Lozano July 12, 2022	23:2–24:25	Subject to legislative privilege objection (23:24–24:24)
	32:2–11	Incomplete designation (incomplete answer)
	25	Incomplete designation (missing page number and line range)
	33:1–15	Incomplete designation (incomplete question)
	20–25	Incomplete designation (missing page number)
	112:18–25	Incomplete designation (incomplete question)
	113:5–18	Incomplete designation (incomplete question); subject to legislative privilege objection
	127:14–20	Incomplete designation (incomplete question)
Rep. John Lujan June 23, 2022	36:1–7; 36:19–25	Incomplete designation (incomplete question/answer)
	43:10–25	Incomplete designation (incomplete answer)
	60:1–4	Incomplete designation (missing answer)
	106:4–7; 106:10–21	Incomplete designation (omits question)
	132:20–25	Incomplete designation (incomplete answer)

	140:1–14	Incomplete designation (missing question)
	180:23–25	Incomplete designation (incomplete answer)
Rep. Trey Martinez–Fischer July 1, 2022	115:1–9	Incomplete designation (missing part of answer)
Rep. Andrew Murr June 22, 2022	54:15–18	Incomplete designation (missing question)
	97:12–25	Incomplete designation (incomplete question/answer)
Rep. Senfronia Thompson July 7, 2022	30:6–31:22	Completeness (Designated portion cuts off exhibit number)

Dated: May 16, 2025

Respectfully submitted,

For LULAC Plaintiffs:

/s/ Nina Perales

Nina Perales
Mexican American Legal Defense and
Educational Fund (MALDEF)
110 Broadway Street, Suite 300
San Antonio, TX 78205
(210) 224-5476
nperales@maldef.org

For Gonzales Plaintiffs:

/s/ David R. Fox

David R. Fox*
Elias Law Group
250 Massachusetts Ave. NW, Suite 400
Washington, D.C. 20001
(202) 968-4490
dfox@elias.law

For MALC Plaintiffs:

/s/ George (Tex) Quesada

George (Tex) Quesada
Sommerman, Mcaffity, Quesada & Geisler, L.L.P.
3811 Turtle Creek Boulevard, Suite 1400
Dallas, Texas 75219-4461

(214) 720-0720

quesada@texttrial.com

For Plaintiff Texas NAACP:

/s/ Lindsey B. Cohan

Lindsey B. Cohan

Dechert LLP

515 Congress Avenue, Suite 1400

Austin, TX 78701

(512) 394-3000

lindsey.cohan@dechert.com

For Brooks Plaintiffs:

/s/ Chad W. Dunn

Chad W. Dunn

Brazil & Dunn

1900 Pearl Street

Austin, TX 78705

(512) 717-9822

chad@brazilanddunn.com

For Plaintiff-Intervenors:

/s/ Gary Bledsoe

Gary Bledsoe

The Bledsoe Law Firm PLLC

6633 Highway 290 East #208

Austin, TX 78723

(512) 322-992

gbledsoe@thebledsoelawfirm.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing and attached was served via the Court's electronic filing system on May 16, 2025.

s/ Lindsey B. Cohan
Lindsey B. Cohan